



PATENT
Atty. Docket No. 655.00955

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) HEADER-LESS VEHICLE RADIATOR
VIKTOR BROST et al.)
) Group Art Unit: 3743
)
Serial No.: 09/748,922) Examiner: Tho V. Duong
)
Filed: April 18, 2001)

RESPONSE


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Commissioner for Patents
Washington, D.C. 20231

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TECHNOLOGY CENTER R3700

Sir:

In response to the Office Action dated October 1, 2002 (Paper No. 11) Applicants respectfully request reconsideration of the rejections of claims 1,2, 11 and 12, and the objection to claim 13.

<p>37 CFR 1.8 CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date shown below.</p> <p><u>December 27, 2002.</u></p> <p> Naomi Lombardo</p>

More specifically, in Amendment B applicants argued that Bengtsson and Donaldson failed to disclose the recitation in claims 1 and 11 of a plurality of tubes, each having a pair of side walls joined by end walls at front and rear faces of the core, and a collecting tank having walls extending over the front and rear faces of the core past the bifurcation in the end walls of the tubes and joined in a fluid tight manner to the end walls of the tubes along **and beyond the bifurcation** to form a fluid tight joint between the walls of the collecting tank and the end walls of the tubes. In response to these arguments, the October 1, 2002 Office Action states that Donaldson teaches "having a collecting tank (10) extending past the root area, where the tube's end begins to expand into two opposite directions relative to the longitudinal axis of the tube. . . ." However, this argument by the Examiner ignores the claim language which requires the joining of the walls of the collecting tank in a fluid tight manner to the end walls of the tubes along **and beyond the bifurcation** to form a fluid tight joint between the walls of the collecting tank and the end walls of the tubes. While Donaldson does disclose walls that extend beyond the point where the ends of its tubes are expanded, it is clear from the figures in Donaldson that there is no joining of the walls of the collecting tank to the expanding portion of the tube, let alone beyond the expanding portion. Indeed, Donaldson teaches the opposite of this by providing clearance between the walls of its collecting tank and the expanding portion of its tubes and by connecting the walls of the collecting tank to the tubes only where the tubes have a uniform, i.e., non-changing, cross section. Thus, Donaldson fails to teach or suggest a fluid tight joint extending beyond a bifurcation in a tube as recited in claims 1 and

11. Furthermore, as correctly acknowledged in the October 1, 2002 Office Action, "Bengtsson does not disclose that a collecting tank extending past the root area where the bifurcation begins." Thus, Bengtsson also fails to teach or suggest a fluid tight joint extending beyond a bifurcation in a tube as recited in claims 1 and 11. Accordingly, Donaldson and Bengtsson, taken alone or in combination, fail to teach the structure recited in claims 1 and 11 and their dependent claims. The continued rejection of these claims is improper.

Furthermore, the rejections of claim 12 is improper because, while Potier does disclose a step of expanding a tube after a step of assembling a heat exchanger core, there is nothing in Potier to indicate that its method would be desirably applied to the tubes of Bengtsson and Donaldson. Specifically, Potier is directed towards tube end that are non-bifurcated and are sealed to a header plate by a gasket, rather than by brazing as in Bengtsson and Donaldson. While Potier does disclose an alternate method of assembling a heat exchanger, there is nothing to indicate that this method is superior to that disclosed in Bengtsson and Donaldson or that Potier's method may be desirably applied to the tube structure disclosed in Bengtsson and Donaldson. Absent such a teaching, the combination purposed by the Examiner is improper.

In view of the foregoing, applicants respectfully request reconsideration of the rejections of claims 1, 2, 11, and 12, and the objection to claim 13 and allowance of the case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeffery N. Fairchild", written in a cursive style.

Jeffery N. Fairchild

Reg. No. 37, 825

December 27, 2002

WOOD, PHILLIPS, KATZ,

CLARK & MORTIMER

500 West Madison Street

Suite 3800

Chicago, Illinois 60661-2511

(312) 876-1800